

UCC FINANCING STATEMENT

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

2007081000037660 1/4 \$32.00
Shelby Cnty Judge of Probate, AL
08/10/2007 11:49:08AM FILED/CERT

A. NAME & PHONE OF CONTACT AT FILER (optional)
Susan Fuller (407) 418-6221

B. SEND ACKNOWLEDGEMENT TO: (Name and Address)

**Darrell D. Garvey, Esquire
Lowndes, Drosdick, Doster,
Kantor & Reed, P.A.
450 South Orange Avenue, Suite 800
Orlando, Florida 32801**

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1. DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (1a or 1b) - do not abbreviate or combine names

1a. ORGANIZATION'S NAME
SHELBY WEST INDUSTRIAL ENTERPRISES, LLC

OR

1b. INDIVIDUAL'S LAST NAME FIRST NAME MIDDLE NAME SUFFIX

1c. MAILING ADDRESS
c/o EGS Commercial Real Estate, Inc., PO Box 530487

CITY **Birmingham** STATE **AL** POSTAL CODE **35203** COUNTRY **USA**

1d. TAX ID #: SSN OR EIN ADD'L INFO RE ORGANIZATION DEBTOR 1e. TYPE OF ORGANIZATION **limited liability company** 1f. JURISDICTION OF ORGANIZATION **Delaware** 1g. ORGANIZATIONAL ID #, if any ☐ NONE

2. DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (2a or 2b) - do not abbreviate or combine names

2a. ORGANIZATION'S NAME

OR

2b. INDIVIDUAL'S LAST NAME FIRST NAME MIDDLE NAME SUFFIX

2c. MAILING ADDRESS CITY STATE POSTAL CODE COUNTRY

2d. TAX ID #: SSN OR EIN ADD'L INFO RE ORGANIZATION DEBTOR 2e. TYPE OF ORGANIZATION 2f. JURISDICTION OF ORGANIZATION 2g. ORGANIZATIONAL ID #, if any ☐ NONE

3. SECURED PARTY'S NAME (or NAME of TOTAL ASSIGNEE of ASSIGNOR S/P) - insert only one secured party name (3a or 3b)

3a. ORGANIZATION'S NAME
NATIONWIDE LIFE INSURANCE COMPANY, an Ohio corporation

OR

3b. INDIVIDUAL'S LAST NAME FIRST NAME MIDDLE NAME SUFFIX

3c. MAILING ADDRESS **One Nationwide Plaza, Attn: Real Estate Investment Department, 1-34-03** CITY **Columbus** STATE **OH** POSTAL CODE **43215-2220** COUNTRY **U.S.A.**

4. This FINANCING STATEMENT covers the following collateral:

All items of personalty, furnishings, equipment and other property described in Exhibit "B" attached hereto and made a part hereof by reference, which are now or hereafter located on or used in connection with the real property described in Exhibit "A" attached hereto and made a part hereof by reference, together with all rents, profits and income now or hereafter derived from said real property. Owner: Shelby West Industrial Enterprises, LLC, an Delaware limited liability company.

5. ALTERNATIVE DESIGNATION [if applicable]: LESSEE/LESSOR CONSIGNEE/CONSIGNOR BAILEE/BAILOR SELLER/BUYER AG. LIEN NON-UCC FILING

6. ☒ This FINANCING STATEMENT is to be filed [for record] (or recorded) in the REAL ESTATE RECORDS. Attach Addendum [if applicable] 7. Check to REQUEST SEARCH REPORT(S) on Debtor(s) [ADDITIONAL FEE] [optional] All Debtors Debtor 1 Debtor 2

8. OPTIONAL FILER REFERENCE DATA

UCC FINANCING STATEMENT ADDENDUM

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9. NAME OF FIRST DEBTOR (1a or 1b) ON RELATED FINANCING STATEMENT

9a ORGANIZATION'S NAME

**SHELBY WEST INDUSTRIAL ENTERPRISES, LLC, a Delaware
limited liability company**

OR

9b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME, SUFFIX

10. MISCELLANEOUS:

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11. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (11a or 11b) - do not abbreviate or combine names

11a. ORGANIZATION'S NAME

OR

11b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME

SUFFIX

11c. MAILING ADDRESS

CITY

STATE

POSTAL CODE

COUNTRY

11d. TAX ID #: SSN OR EIN

ADD'L INFO RE
ORGANIZATION
DEBTOR

11e. TYPE OF ORGANIZATION

11f. JURISDICTION OF ORGANIZATION

11g. ORGANIZATIONAL ID #, if any

☐ NONE

12. ☐ ADDITIONAL SECURED PARTY'S or ☐ ASSIGNOR S/P'S NAME - insert only one name (12a or 12b)

112a. ORGANIZATION'S NAME

OR

12b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME

SUFFIX

12c. MAILING ADDRESS

CITY

STATE

POSTAL CODE

COUNTRY
U.S.A.

13. This FINANCING STATEMENT covers ☐ timber to be cut or ☐ as-extracted collateral, or is filed as a ☐ fixture filing.

14. Description of real estate:

See attached Exhibit "A"

16. Additional collateral description:

See attached Exhibit "B"

15. Name and address of a RECORD OWNER of above-described real estate (if Debtor does not have a record interest):

17. Check only if applicable and check only one box.

Debtor is a ☐ Trust or ☐ Trustee acting with respect to property held in trust or ☐ Decedent's Estate

18. Check only if applicable and check only one box.

☐ Debtor is a TRANSMITTING UTILITY

☐ Filed in connection with a Manufactured-Home Transaction — effective 30 years

☐ Filed in connection with a Public-Finance Transaction — effective 30 years



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EXHIBIT "A"

LEGAL DESCRIPTION

Site 28, according to the survey of Sites 26 & 28, Shelby West Corporate Park, as recorded in Map Book 35, page 67, in the Probate Office of Shelby County, Alabama.



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EXHIBIT "B"

All buildings, structures and improvements of every nature whatsoever now or hereafter situated on the real property (hereinafter referred to as the "Land") described in Exhibit "A" to this Financing Statement and all fixtures, goods, inventory, chattels, construction supplies and materials, fittings, furniture, furnishings, equipment, machinery, apparatus, appliances, and other items of personal property, whether tangible or intangible, of any kind, nature or description, whether now owned or hereafter acquired by Debtor, including without limitation, all signs and displays; all heating, air conditioning, water, gas, lighting, incinerating, and power equipment; all engines, compressors, pipes, pumps, tanks, motors, conduits, wiring, and switchboards; all plumbing, lifting, cleaning, fire prevention, fire extinguishing, sprinkling, refrigerating, ventilating, waste removal and communications equipment and apparatus; all boilers, furnaces, oil burners, vacuum cleaning systems, elevators, and escalators; all stoves, ovens, ranges, disposal units, dishwashers, water heaters, exhaust systems, refrigerators, cabinets and partitions; all rugs, attached floor coverings, curtains; all rods, draperies, and carpets; all building materials, tools, shades, awnings, blinds, screens, storm doors and windows; and all other general intangibles, inventory, contract rights, accounts receivable, chattel paper, documents and business records, of every kind, including, without limitation, any and all licenses, permits, franchises, trademarks, tradenames, service marks, or logos as well as all Goods (including Consumer Goods, Inventory, Equipment and Farm Products), Accounts, Chattel Paper (including Electronic Chattel Paper and Tangible Chattel Paper), Instruments; General Intangibles (including Payment Intangibles and Software), and Documents as all such terms are defined in the Uniform Commercial Code, as now adopted or amended from time to time in the state in which this Financing Statement is filed; any of which is, are or shall hereafter be located upon, attached, affixed to and used or useful, either directly or indirectly, in connection with the complete and comfortable use, occupancy and operation of the Premises (as hereinafter defined), or any other business enterprise or operation as may hereafter be conducted upon or within said Premises, as well as the proceeds thereof or therefrom regardless of form (expressly excluding, however, any toxic wastes or substances deemed hazardous under federal, state or local laws), including any and all replacements of, substitutions for, or additions to any or all of the foregoing;

TOGETHER WITH all leases, contracts, rents, royalties, issues, revenues, profits, proceeds, deposits, income and other benefits, including accounts receivable, of, accruing to or derived from said Premises and any business or enterprise presently situated or hereafter operated thereon and therewith;

AND TOGETHER WITH any and all awards, payments or settlements, including interest thereon, and the right to receive the same, as a result of (a) the exercise of the right to eminent domain, (b) the alteration of the grade of any street, (c) any other injury, damage or casualty to, taking of, or decrease in the value of, the Premises, or (d) proceeds of insurance awards.

FOR THE PURPOSES HEREOF, the term "Premises" shall mean and be defined as the Land together with all buildings, structures and other improvements of any kind, nature or description now or hereafter erected, constructed, placed or located upon the Land and all tenements, hereditaments, strips and gores, rights-of-way, easements, privileges and other appurtenances now or hereafter belonging or in any way appertaining to the Land.

PROVIDED, HOWEVER, the foregoing described property shall not include any personal property owned by (i) tenants of Debtor, or (ii) the lessors of personal property to such tenants.